

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 26263 OF 2005

Date: 14.12.2005

BETWEEN:

L. V. Krishna Murthy

.... PETITIONER

And

The Commissioner,
Kurnool Municipal Corporation,
Kurnool.

.... RESPONDENT

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No. 26263 OF 2005

ORDER:

The petitioner obtained lease of shop No.4 in Municipal Complex, near old bus stand road, Kurnool District, in the year 2000, on a monthly lease amount of Rs.3,499/-. He alleges that on 2.12.2005, the officials of the respondent Corporation locked the premises alleging that he committed default in payment of lease amount. Aggrieved by the same, the present writ petition is filed.

The learned counsel for the petitioner strenuously contended that either under the provisions of the Hyderabad Municipal Corporation Act, 1955 as applicable to Kovvur Municipal Corporation, or under the relevant terms of lease, there is no power vested in the lessor to lock the premises in the event of default in payment of

rents by the lessee. Therefore, he submits that the action of the respondent Corporation is illegal.

Sri Khaja Moizuddin, learned Standing Counsel for the Kurnool Municipal Corporation submits that the officials of the Corporation never locked the premises and that the writ petition is filed making false allegations. He also submits that the petitioner has not paid rents for the last 15 months and that necessary steps are being taken for collection of rents.

After hearing the learned counsel for the respondent Corporation, this Court is convinced that the writ petition is filed by making incorrect allegations, and that the petitioner is a chronic defaulter. Therefore, this Court is not inclined to grant any relief in this writ petition. It shall be open to the respondent Corporation to take necessary steps in accordance with law for eviction of the petitioner.

The Writ Petition, with the above observations, is accordingly dismissed at the admission stage.

(V.V.S. RAO, J.)

14th December, 2005

Js.